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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,716	12/18/2000	George W. Turner	00-332	5066
20306	7590	02/24/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			ELAHEE, MD S	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			2645	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,716

Applicant(s)

TURNER ET AL

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 29-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 12/20/04. Claims 14-28 are pending. Claims 25-28 have been allowed. Claims 1-13 and 29-50 have been withdrawn.

### ***Response to Arguments***

2. Applicant's arguments mailed on 09/07/05 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (U.S. Patent No. 6,252,952) in view of Serbetcioglu et al. (U.S. Patent No. 5,511,111).

Regarding claim 14, Kung teaches receiving a call request at one of a residential and voice gateway from at least one of a Public Switched Telephone Network and a plurality of private users (fig.1, fig.5; col.25, lines 53-67; 'voice gateway' reads on the claim 'trunk gateway').

Kung further teaches determining the physical location of the called party (fig.5; col.26, lines 27-40, 65-67, col.27, lines 1-17).

Kung does not specifically teach "evaluating a first set of privileges associated with the calling party and a second set of privileges associated with the called party, and negotiating a set of terminating options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses". Serbetcioglu teaches evaluating a first set of privileges associated with the calling party and a second set of privileges associated with the called party, and negotiating a set of terminating

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options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses (fig.2A; col.4, lines 37-45, col.8, lines 56-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kung to allow evaluating a first set of privileges associated with the calling party and a second set of privileges associated with the called party, and negotiating a set of terminating options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses as taught by Serbetcioglu. The motivation for the modification is to have doing so in order to handle the call between the calling and the called party based on the privileges and authorization.

Kung further teaches determining a least cost route to set up the call (col.8, lines 28-34, col.10, lines 26-30; 'least cost route' reads on the claim 'optimum route').

Kung further teaches establishing the least cost route and matching the call request with a call at a network termination point of the called party (col.8, lines 28-34, col.10, lines 26-30; 'least cost route' reads on the claim 'optimum route').

Regarding claim 15, Kung teaches translating between a network address associated with the call request in a system management server and a customer address for calls between the plurality of private users (col.7, lines 26-62, col.8, lines 15-27, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'system management server' reads on the claim 'directory server').

Kung further teaches translating between the network address and an Internet Protocol address in a domain name service server (col.7, lines 26-62, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'domain name service server' reads on the claim 'domain name server').

Regarding claim 16, Kung teaches generating a network address from a user name (col.7, lines 26-62).

Regarding claim 17, Kung teaches translating a network address includes the system management server determining if the call request associated with one of the Public Switched Telephone Network and the plurality of private users (col.7, lines 26-62, col.8, lines 15-27, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'system management server' reads on the claim 'directory server').

Regarding claim 18, Kung teaches passing the call request from the residential gateway to a call manager (fig.1, fig.5; col.25, lines 53-67; 'call manager' reads on the claim 'call agent').

Regarding claim 19, Kung teaches determining if the call request is associated with one of the Public Switched Telephone Network and the plurality of private users further comprises determining if the dialed digits are preceded by an escape prefix (fig.1, fig.5; col.25, lines 53-67, col.26, lines 1-41).

Regarding claim 20, Kung teaches that evaluating a set of priorities comprises evaluating at least one of routing preferences, bandwidth reservation, and overriding a busy status of the called party (fig.5; col.6, lines 19-33, col.15, lines 38-67, col.16, lines 1-5, col.34, lines 52-55; 'priorities' reads on the claim 'privileges').

Regarding claim 21, Kung teaches that a computer readable medium having stored therein a set of instructions for causing a processing unit to execute the steps of the method (col.9, lines 39-67, col.10, lines 1-9).

Regarding claim 22, Kung teaches evaluating an external similar set of priorities it is determined that the called party is in an external telephone network system, launching

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simultaneous person locator queries to the system management servers of the external telephone network systems (fig.1, fig.5; col.6, lines 19-33, col.8, lines 15-27, col.26, lines 27-40; 'priorities' reads on the claim 'privileges' and 'system management servers' reads on the claim 'directory servers').

Regarding claim 23, Kung teaches that the system management server further comprises a suite of user specific features such as speed call, selective call forwarding, time-of-day routing, together with associated lists of numbers (col.8, lines 15-27; 'system management server' reads on the claim 'directory server').

Regarding claim 24, Kung teaches recognizing and providing a network address to a roaming user using a local service management system (col.10, lines 54-67, col.11, lines 1-6, col.23, lines 13-39; 'local service management system' reads on the claim 'portability server').

### *Reasons for Allowance*

7. Claims 25-29 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 25, the prior art references Kung and Johnson, after having all the limitations of the claim, fails to teach that the telephone network system provides a caller with one of at least reservation of Internet Protocol network bandwidth and continuous performance monitoring of the Internet Protocol network as input to per-call routing decisions.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE

February 19, 2006



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